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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,412	06/23/2000	Melvin Richard Zimowski	ST9-99-080	9095
23373	7590	12/14/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			NGUYEN, QUANG N	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/602,412

Applicant(s)

ZIMOWSKI, MELVIN RICHARD

Examiner

Quang N Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/25/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

1. This Office Action is in response to the Appeal Brief filed on 10/11/2005. Claims 1-39 remain for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim 1, 4-9, 11 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Burns et al. (US 6,298,373), hereinafter "Burns".**

4. As to claim 1, Burns teaches a method for managing data stored in a data storage device connected to a computer, comprising:

determining that a web page to be cached, wherein the web page references other objects (*a policy manager 128 which defines and administers rules that determine*

which documents or resources are cached in the cache memory 124, for instance a Web page, which references other objects such as images, audio or video files, from a frequently visited Web site) (Burns, C5: L8-20 and C10: L48-55);

storing the referenced objects in one or more data stores (if the Web page references or includes continuous data files, such as audio or video files, these files are stored in a continuous media server) (Burns, C5: L8-20);

caching the web page in a cache (caching the content received from the content provider, i.e., caching the frequently requested Web page in the cache memory 124 based on the policy manager 128) (Burns, C5: L8-20 and C10: L48-55); and

automatically managing the cached web page and the referenced objects to ensure the display of a complete web page (the target specifications embedded in the Web page to reference the continuous data files are modified to reference the local copy of the continuous data files so that the target resources ready to serve when needed, i.e., during the ensuing peak time) (Burns, C5: L8-22 and C9:L42 – C10:L10).

5. As to claim 4, Burns teaches the method of claim 1, further comprising:

receiving a request to generate a dynamic web page (receiving a request for the CNN Web page from the first subscriber at 6:40 AM); and

retrieving data and placing the data in a dynamically generated web page (the local service provider 110 serves the Web page, with hyperlinks to various data items, such as audio and/or video clips, from the cached memory 124) (Burns, C9:L42 – C10:L10).

6. As to claims 5-6, Burns teaches the method of claim 4, wherein managing the cached web page and referenced objects comprises the steps of:

receiving a request from an administrator to delete the retrieved data (linked objects) based on administrator-provided input (*time-to-live "TTL" tags are computed and assigned to the content to assist in determining when the content should be refreshed or disposed/deleted*) (Burns, C10:L59 - C11:L19); and

deleting the retrieved data (linked objects) based on the administrator-provided input (*deletion policies are a function of the content itself, for example, when the "TTL" assigned by the administrator of local service providers expires, how frequently the content is requested, etc., the content will be deleted*) (Burns, C10:L59 - C11:L19).

7. As to claim 7, Burns teaches the method of claim 1, further comprising, processing a caching directive that specifies whether the web page should be cached (*a policy manager 128 which defines and administers rules that determine which documents or resources are cached in the cache memory 124*) (Burns, C10: L48-55).

8. As to claims 8-9, Burns teaches the method of claim 1, further comprising, associating an expiration timestamp with the web page, wherein the expiration stamp defines a time period in which the cached web page is valid (*time-to-live "TTL" tags are computed and assigned to the content to assist in determining when the content should be refreshed or disposed, i.e., when the time-to-live "TTL" expires, the content is no longer valid and should be updated or deleted*) (Burns, C10:L59 - C11:L19).

9. As to claim 11, Burns teaches the method of claim 8, wherein managing the cached web page and referenced objects comprising:

receiving a request from an administrator to delete all cached web pages according to some administrator-specified selection criteria (*the local service providers, i.e., the administrators, might compute the TTL tags for the content it caches in cache memory based on some specified selection criteria*) (Burns, C10:L65 – C11:L14); and

deleting all cached web pages and referenced objects that satisfy the administrator-specified selection criteria (*deletion policies are a function of the content itself, for example, when the "TTL" set by the administrator expires, how frequently the content is requested, etc., the content will be deleted*) (Burns, C11: L15-19).

10. As to claim 37, Burns teaches the method of claim 1, wherein at least one of the referenced objects is not stored in said cache (*the audio and video clips referenced by the hyperlinks are stored in the content media server CMS 126*) (Burns, C9: L45-48).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2-3, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns, in view of Major (US 6,542,967).

13. As to claims 2-3, Burns teaches the method of claim 1, but does not explicitly teach when one or more of the referenced objects is deleted, deleting the web page from the cache and vice versa.

In a related art, Major teaches a cache object store is organized to provide fast and efficient storage of data as cache objects organized into cache object groups, wherein during a write (*i.e., move or delete*) operation affecting any portion of the cache object group, the entire group is written (Major, C5: L46-59).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Burns and Major to delete the web page from the cache when one or more of the referenced objects is deleted

and vice versa since such methods were conventionally employed in the art to allow the system to organize and manage a cache object store to provide fast and efficient retrieval and storage of data as cache objects transferred over a computer network.

14. Claims 10 and 12 contain similar limitations as those of method claims 2-3; therefore, they are rejected under the same rationale.

15. Claims 13-36 and 38-39 are corresponding apparatus and article of manufacture claims of method claims 1-12 and 37; therefore, they are rejected under the same rationale.


16. Applicant's arguments as well as request for reconsideration filed on 10/11/2005 have been fully considered but they are moot in view of the new ground(s) of rejection.

17. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER